

# MR. DOOLEY ON THE RECALL OF JUDGES

BY FINLEY PETER DUNNE



"He's apt to think he's still on the bench an' hand ye a punch."

"A R-RE ye in favor iv th' in—th' what-d'ye-call-it—an' th' riririndum an' th' recall?" asked Mr. Hennessy.

"Am I in favor iv what?" said Mr. Dooley.

"Iv th' in—th' in—" Mr. Hennessy tried again.

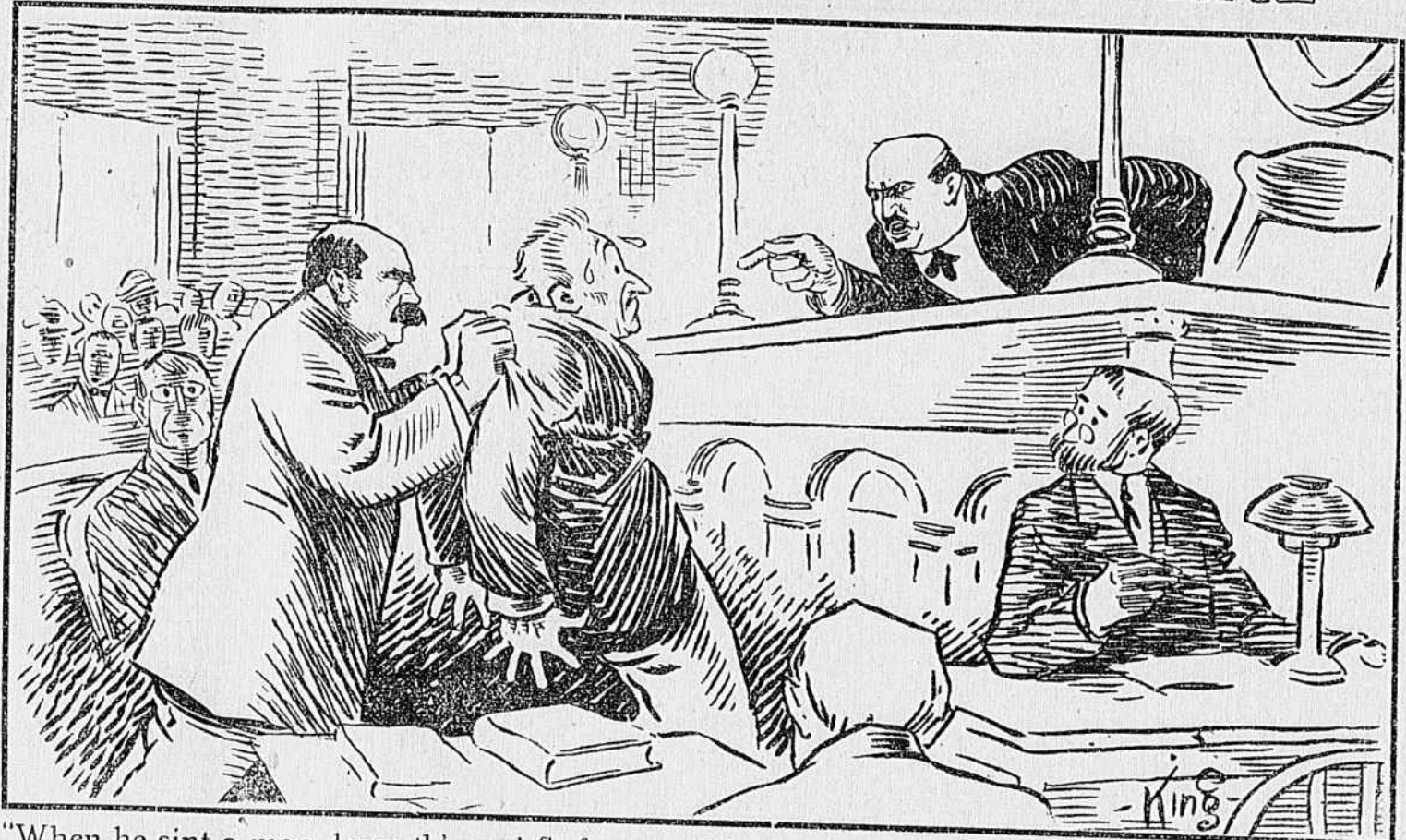
"Niver mind tellin' me," Mr. Dooley interrupted. "I know what ye mean be th' faces ye're makin'. No, I'm not. I'm not in favor iv ayether iv these glorious principals that has been handed down to us fr'm our Swiss ancestors. Man an' boy I've voted fr' fifty years fr' pollytickal issues that I cudden't understand, but I draw the line when they hand me issues that I can't aven pronounce. I've been a free thrader, although ivry-thing I read proved to me that if I got me foolish wishes I'd be rooned through th' products iv th' pauper labor iv Europe poorin' in an' floodin' ye out iv ye'er job. That bribe iv two twenty-five a day that ye cajole out iv th' steel thrust fr' takin' a healthy amount iv exercise wud go, an' when it wint down wud fall this splendid, commercial intherprise that I've built up. So I voted fr' free thrade. An' me frind Silo, th' thruck farmer, who knew he was bein' crushed be th' tariff, voted to go on bein' crushed. It was all right. If he won th' tariff stayed an' if I won it was increased, an' there we were with nawthin' to trouble us between illections.

"But these new issues ar-re different. Suppose I say I'm fr' thim. 'Ar-re ye fr' th'—as ye said—an' th' so-an'-so?' says th' judge iv illection. 'I am,' says I in a ringin' voice. 'I wud die fr' thim,' says I. 'Thin spell thim,' says th' judge iv illection. An' I faint with shame.

"But th' recall is better. I can pronounce that without premachurely again' me face. Besides 'tis a fine issue. Ye don't have to get a college pro-fessor to take a pointer an' a diagram an' explain it to th' other ign'rant voters. They know all about it. They've been votin' fr' it fr' years. Put in simple language it is: 'We're tired iv him. Throw him out.' Nawthin' is more reasonable thin that an' nawthin' will go home quicker to th' gin'rous heart iv th' people iv this gr-rear country. Supposin' some fellow goes to th' legislature as a frind iv th' people an' th' only wan iv his old chums that can get to see him a month after he's at th' capitol is th' janyal prisidint iv th' gas comp'ny. Well, wan day ye see his wife go by in an' autyomobill an' ye say: 'Don't ye think Higgins has got enough? Let's put th' law on him.' So we go down to Springfield an' we say: 'Bill, ye're such a good fellow that we can't do without ye. We miss ye'er smilin' face on th' scow. Ye must be with us again. An' to show ye how kind we feel to'rds ye we've found ye'er old pick an' shovel an' brought thim to ye.' An' wan iv us takes him be th' hair an' th' other be th' heels an' we throw him out iv the window. An' that's th' recall.

"It suits me th' best iv all th' issues iv th' year. There's nowhere I hate to see th' same old face thin with its feet up on th' desk iv a pollytickal office. An' they ain't anny rule iv life better thin this, that when ye put a man on a perch an' he don't sing th' way ye want, bump him off.

"Am I in favor iv recallin' th' judges, too? Ye bet I am. Well, maybe I wudden't recall thim exactly. A judge that's been on th' bench anny lenth iv time is poor comp'ny in a crowd. If he says, 'It's a fine day,' and ye say 'It ain't,' he's



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before th' illection. 'There's a man that'll make a mark fr' himself,' says he. 'He's got th' fine constitutional mind,' he says. 'An' a pleasant man an' a frind iv th' poor an' downthrodden,' he says. Well, Dougherty illected him, or annyhow thought he did, an' th' judge leaped upon th' bench. I guess he made a good judge. When he sint a man down th' road fr' forty or fifty years he always give him such a dhressin' down that th' pris'ner was glad to get away where he'd be safe. His interpretations iv th' constitution was gr-rand. 'Tis funny about th' constitution. It reads plain, but no wan can understand it without an interpreter. This here frind iv Dougherty's thranslated th' ol' constitution into Yiddish, low German, Fr-rinch, Rooshyan, an' arly English.

"Annyhow, it was Dougherty's good luck to have a case before him. If I ever go into court th' polis'll have to take me in in chains. I'm a gr-rear reader, an', as Hogan says, familiarity with decisions breeds contempt iv court. But

Dougherty didn't know, an' when he'd stepped into a hole in th' flure at th' factory an' broke his leg he got a lawyer an' sued Flannigan, th' owner. Th' lawyer told Dougherty that th' laste Flannigan wud have to do to square himself was to give him th' factory an' a pair iv goold crutches to hop to an' fr'm his autyomobill on. Dougherty got so proud over this here sudden flood iv wealth that there was no talkin' to him. If ye ast him what he was doin' he wud say, 'Lookin' after me lawsuit,' as much as to say, 'Runnin' me bank.'

"Well, sir, th' case come to thrile an' Dougherty wint to th' coorthouse. He thought his old frind seemed near sighted, fr' when Dougherty tried to wave his hankerchief at him his honor motioned to th' court attendant. Durin' th' examination this binivolent monarch dhrew pitchers on a pa-aper, but he showed two or three times that he remembered Dougherty be sayin', 'Speak up, me man,' or 'Answer th' question or I'll lock ye up.' Fin'ly when all th' evidence was in th'

judge motioned th' court polisman to throw Dougherty out, an' thin spoke as follows: 'This here case started Dougherty again Flannigan, but it's now me again congress, an' I give th' verdict fr' meself, an' if I had congress here I'd sint it to jail fr' passin' a law in favor iv this here pol-throon. I've half a mind now to order me bailiff to pinch th' house iv representatives, th' sinit, an' th' prisidint that signed th' law an' put thim in th' bastel.' 'Th' constitution says they had a right to,' says Dougherty's lawyer. 'Eighty days fr' contempt iv court,' says his honor. 'If th' constitution says so it niver meant it. What did the constitution say? I don't know, but undier th' decision iv Lord Justice Poke in th' Eighth Elizabeth, a man in Dougherty's job was th' same as a horse an' he can't be changed. Who iver heerd iv a horse collectin' damages? It wud be conthry to all th' rules iv law an' property,' says he. 'D'ye mean to say I'm th' same as a horse?' says Dougherty. 'That is ye'er status,' says the court. 'Thin,' says Dougherty, 'if I've got a broken leg Flannigan has a right to shoot me an' I'd better be goin', an' he broke another leg on th' stairs, but he sued th' county an' recovered damages.

"Don't I think a poor man has a chanst in court? Iv coorse he has. He has th' same chanst there that he has outside. He has a splendid, poor man's chanst. Annyhow, he ought to stay out iv court unless he's done somethin' pleasant to get himself there. It's no place fr' him or fr' anny man, rich or poor, to go fortune huntin'.

"An' do I think th' judges'll iver be recalled? Faith, I do not. Wud ye lave anny wan recall me if ye was a judge? I see meself doin' it. When th' popylace thried to whistle me back to practice law on th' third flure I'd call th' bailiff over an' say: 'James, get out th' handcuffs.' Ye can bet that th' first law recallin' th' judges will be pronounced onconstititional be th' entire joodiciary iv th' country be a risin' vote an' with three hearty cheers. If I was a judge I wud know that a law throwin' me out iv a job was onconstititional at wanst, ex post facto, ex propria vigore, an' de jure non dispytandum, as Hogan says. An' I wudden't have to get th' constitution out iv th' safe to decide it ayether. I'd decide it accordin' to me grocery bill.

"No, sir, ye'll live a long time before ye iver see judges recalled. But it don't do anny harm to scare thim. It don't do annybody anny harm to scare thim wanst in a while. They've fr'gotten we're outside. We'll make a noise, an' when they say, 'Ar-re they goin' to haul me out?' we'll yell, 'Judge, put ye'er head out iv th' window. There ar-re people out here. That's it—people, not lawyers. We don't oblect to ye'er makin' laws, but don't make thim on'y fr' lawyers. Cut out a few patterns that will fit us, too. We don't want munny, but we'd like a few simple wans that we can wear to keep off th' cold. An' if ye haven't time fr' annything except a harness that we ar-re not iddyicated enough to put on, fr' hivers sake let us make some laws fr' ourselves that plazes our low tastes. We don't want laws to wear in court. We want thim to wear outside."

"What is this English common law I read about?" asked Mr. Hennessy.

"It's th' law I left Ireland to get away fr'm," said Mr. Dooley. "If it's purscoed me over here I'll go to Chiny."

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